



# Department of Planning, Housing, & Community Development

*Mayor, Matthew T. Ryan*

*Director, Tarik Abdelazim*

## ***STAFF REPORT***

TO: Planning Commission Members  
FROM: Planning Staff  
DATE: January 27, 2013  
SUBJECT: 221 Washington Street  
TM ID #: 160.33-1-16  
CASE: 2013-01  
COPIES: B. Seachrist, T. Costello, L. Webb (District 4), S. Campbell, S. Wietschner, File

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### **A. REVIEW REQUESTED**

WFRE 221 Washington LLC has submitted an application for Series A Site Plan / Special Use Permit Review to convert the upper 3 stories of a 4 story building to residential use (Multi-Unit Dwelling). The ground floor would remain as ~27,000 square feet of rentable commercial space (office/retail: current tenant is Dataflow Document Management & Digital Printing).

The applicant has stated intent to install 15 bedrooms per floor, configured in 4 dwelling units (three 4BR units, one 3BR), utilizing the same floorplan on each floor (2<sup>nd</sup>-4<sup>th</sup>). The total proposed number of units/bedrooms for the project is 12 units, 45 bedrooms. The applicant has stated, however, that an alternate plan, involving the installation of lower-density, market-rate dwelling units is being considered for this project; no plans have been submitted for this alternate proposal.

### **B. ADDITIONAL REVIEWS**

239-m Review is required for this project due to its proximity to Broome County-owned properties; the application has been forwarded to Broome County Planning & Economic Development for distribution.

The subject structure is located just outside of the State Street and Henry Street Historic District (the abutting property to the south (217-219 Washington Street) is the final structure within the District. The proposed project does not require design review by the Commission on Architecture and Urban Design.

The project is located within the boundaries of the LWRP; the applicant has submitted an application for review by the Waterfront Advisory Committee (WAC). The WAC will review the project for consistency with the policies of the City's Local Waterfront Revitalization Plan.

### **C. COMPREHENSIVE PLAN & INITIATIVES IDENTIFIED FOR SUBJECT AREA**

The Comprehensive Plan, adopted in 2003, identifies the subject site as located within the Arts, Cultural and Housing Market and Entertainment Alley Market, which "should be required to include a mix of uses, with

people generating activities at the ground level (e.g. stores, restaurants) and upper levels to include office and residential units, (to) provide greater potential for both day and evening activities downtown.”

#### **D. STANDARDS FOR APPROVAL OF SITE PLANS AND SPECIAL USE PERMITS**

Listed below are the *Standards for approval of site plans* found in Article IX of the Zoning Ordinance. In reviewing a Series A Site Plan application, the Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height
- Landscaping, site drainage, buffering, views or visual character
- Signs, site lighting
- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

In addition, the general requirements for Special Use Permit approvals, described in Section 410-40 must be complied with. These requirements are as follows:

1. That the land use or activity is designed, located, and operated so as to protect the public health, safety, and welfare.
2. That the land use or activity will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.
3. That the land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.
4. That effective landscaping and buffering is provided as may be required by the Planning Commission. To this end, parking areas and lot areas not used for structures or access drives shall be improved with grass, shrubs, trees, and other forms of landscaping, the location and species of which shall be specified on the site plan.
5. That a site plan shall be approved in accordance with applicable provisions of Article IX of the Zoning Ordinance.
6. That adequate off-street parking and loading are provided in accordance with Article X of the Zoning Ordinance or other requirements as may be set forth in Section 806, and egress and ingress to parking and loading areas are so designed as to minimize the number of curb cuts and not unduly interfere with traffic or abutting streets.
7. That site development shall be such as to minimize erosion and shall not produce increased surface water runoff onto abutting properties.

8. That existing public streets and utilities servicing the project shall be determined to be adequate.
9. That significant existing vegetation shall be preserved to the extent practicable.
10. That adequate lighting of the site and parking areas is provided and that exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.
11. That the land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, and with performance standards set forth in Section 503 of the Zoning Ordinance, except as such regulations and performance standards may be modified by the Planning Commission or by the specific provisions of Section 806. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.

## **E. SITE REVIEW**

The subject property is located on the western side of Washington Street, 2 parcels north of the intersection of Washington Street and Henry Street. The subject structure, known as ‘the Whipple Building’ and originally constructed in 1905, is four story, with a small brick addition above the 4<sup>th</sup> floor and a rear brick addition which extends from a sub-grade basement level to the ground floor. The rear addition is utilized as a loading area to serve the ground floor commercial tenant (currently ‘Dataflow Document Management and Digital Printing’).

The subject property is located within the C-2, Downtown Business District. Land use in the vicinity is a mix of commercial, cultural, religious and governmental buildings. The majority of area buildings are multi-story structures. The abutting structure to the south is mixed-use, with ground floor commercial and market-rate rental housing in the upper 3 stories. An off-street parking area abuts the subject parcel to the north and west. Uses in the vicinity include: Christ Church, the Forum Theatre, the United States Court House building, the Binghamton Riverwalk Hotel & Conference Center, First Assembly of God Church and the Lost Dog Café.

## **F. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY**

187 Washington Street: A Special Use Permit was granted to Christ Church in 1990 by the Planning Commission for the operation of a pre-school within the existing church building.

217-219 Washington Street: On June 7, 2010, the Planning Commission granted Series A Site Plan / SUP approval to DDBing Properties, Inc. for a Restaurant, Sit-Down in the C-2 District.

227-241 Washington Street: In 1989, the Zoning Board of Appeals granted two area variances regarding off-street parking requirements to Sarbro Realty to permit the construction of an office building.

245 and 249 Washington Street: In 1987, the Planning Commission granted a Special Use Permit to the First Assembly of God to use the building at 249 Washington Street as an accessory to the church and to use 245 Washington Street for parking.

168 Water Street: On June 6, 2011, Planning Commission granted Series A Site Plan / SUP approval to John Bleichert for a Brewpub in the C-2 District.

225 Water Street: On June 6, 2011, the Planning Commission granted Series A Site Plan / SUP approval to the Binghamton Hospitality & Conference Center, LLC for new construction of an addition to an existing fitness center.

321 Water Street: On July 11, 2011 the Planning Commission granted Series A Site Plan / SUP approval to the Center for Technology & Innovation, Inc. for a Museum at 321 Water Street.

23 Henry Street:

- In 1988, the Planning Commission granted a Special Use Permit to John Maczko to allow the occupation of the second floor of an existing five-story structure by a fraternity.
- John Maczko was granted a Special Use Permit to convert the third, fourth, and fifth floors of an existing building for use by a fraternity.
- In March 2011, Robert Hutchings was granted Series A Site Plan / SUP Review Exception for a Restaurant, Sit-Down (“Burger Monday’s”) in the C-2 District.

104 Henry Street: A use variance request by Emmerich Bares in 1991 to convert existing apartments and an office into a rooming house was denied.

142 Henry Street: In 2008, the Zoning Board of Appeals granted an area variance for height in order to construct a 50’ telecommunications tower for wireless communications.

194-196 Henry Street:

- A Special Use Permit was granted to Mana En El Desierto Church in 1997.
- In 1996, the Planning Commission denied a Special Use Permit request by Allam Afify to allow an auto repair shop.

211 Henry Street: In 2000, the Zoning Board of Appeals issued a negative advisory opinion to City Council regarding a request to reconstruct a billboard sign near the Mets Stadium.

## **G. ENVIRONMENTAL IMPACT**

The applicant's proposal is a SEQR **Unlisted** Action. The Planning Commission may be the lead agency to determine any environmental significance.

1. Motion to determine what type of action:
  - a. Type I
  - b. Type II
  - c. **Unlisted**
2. Determine Lead Agency and other involved agencies.
3. Motion to schedule a public hearing.
4. After the Public Hearing, Determination of Significance based on:

Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems?	Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character?	Vegetation of fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species?	A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?	Growth, subsequent development, or related activities likely to be induced by the proposed action?	Long term, short term, cumulative, or other effects not identified in C1-C5?	Other impacts (including changes in use of either quantity or type of energy)?
<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>

## H. STAFF FINDINGS

Planning Staff has the following findings:

1. The Planning Commission must determine if the requirements of Section 410-47 for Standards for Approval of Site Plans and the general requirements as set forth in Section 410-40 for a Special Use Permit have been met.

The proposed project would renovate upper-story space in the Downtown Business District for residential use, which is consistent with long-term goals for the district. The applicant's "alternate plan" for lower density dwelling units is more consistent with the character and intensity of adjoining land uses, and is preferred for the subject location.

No plan for exterior modification has been presented, however the existing condition of the structure's façade is in need of improvement. Planning Staff's suggested condition of approval (that the northern and western facades be painted) would result in improved aesthetics consistent with the visual character of the neighborhood.

## I. SUGGESTED CONDITIONS

If the Planning Commission approves this project, Staff recommends that the following conditions of approval be included:

1. That the Northern and Western facades of the subject structure shall be painted. The selected paint color(s) must be compatible with the aesthetic and character of the neighborhood.

## **J. ENCLOSURES**

Enclosed are copies of the site plan, floor plan, application and site photos.

Sincerely,

Patrick C. Day  
Planner

Enclosures